

Changes to legislation: Social Work (Scotland) Act 1968, SCHEDULE 8 is up to date with all changes known to be in force on or before 03 June 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 8

Section 95(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

1 F1

Textual Amendments

F1 Sch. 8 para. 1 repealed by Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), Sch. 10 Pt. I

2—5 F2

Textual Amendments

F2 Sch. 8 paras. 2–5 repealed by Children and Young Persons Act 1969 (c. 54, SIF 20), ss. 72(4), 73(4)(d), Sch. 6

^{M1}*Children and Young Persons (Scotland) Act 1937*

Marginal Citations

M1 1937 c. 37.

6 In section 38(3), for the words “an approved school” there shall be substituted the words “a residential establishment where education is provided”.

Modifications etc. (not altering text)

C1 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

7 (1) In section 87(1), for the words from “to an approved school” to the end of the subsection there shall be substituted the words “to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the ^{M2}Criminal Justice (Scotland) Act 1963 as if the order sending him to the school in England or Northern Ireland were an order for committal for residential training made under section 58A of this Act made upon the same date, and as if the order were authority for his detention for a period not exceeding the period for which he might be detained under the approved school order or, as the case may be, the training school order made in respect of him”.

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(2) In section 87(2)

to (4), any reference to an approved school in Scotland shall be construed as a reference to a place in respect of which the Secretary of State has made, or may make, a direction under subsection (1) ^{F3}; and in section 87(2) and (4) the words “England or”, wherever they occur, shall be omitted.]

(3) In section 87(3), the words from “approved school as” to the end of the subsection shall be omitted, and there shall be substituted the words “to such place in Scotland as the Secretary of State may direct for the purposes of undergoing residential training, and after his transfer to that place may be dealt with and shall be subject to the provisions of this Act and of the Criminal Justice (Scotland) Act 1963 as if the order were an order for committal for residential training made under section 58A of this Act made upon the same date”.

Textual Amendments

F3 Words inserted by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), s. 73(4)(c), [Sch. 5 para. 70\(b\)](#)

Modifications etc. (not altering text)

C2 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M2 [1963 c. 39](#).

8 After section 101(2) there shall be inserted the following subsection—

“(2A) Expenses incurred under this Act by a local authority shall be defrayed in like manner as the expenses of that authority under the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C3 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

9 (1) In section 103(1), for the words “whether charged with an offence or not” there shall be substituted the words “charged with an offence”.

(2) After subsection (1), there shall be added the following subsection—

“(1A) The court in making any inquiry in pursuance of the last foregoing subsection shall have regard to the application for the provisions of section 30(1) of the Social Work (Scotland) Act 1968 but an order of judgement of the court shall not be invalidated by any subsequent proof that the court was not informed that at the material time the person was subject to a supervision requirement or that his case had been referred to a children’s hearing under Part V of that Act.”

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(3) After subsection (4), there shall be added the following subsection—

“(5) In subsections (1) and (2) of this section, references to a child or young person charged with an offence shall be construed as references to a child within the meaning of section 30(1) of the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C4 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

10 In section 110(1), in the definition of “Child”, for the words “Part III” there shall be substituted the words “Parts III and IV” ; and for the definition of “Place of safety” there shall be substituted the following definition—

““Place of safety” has the same meaning as in the Social Work (Scotland) Act 1968 ;”

and after the definition of “Remand” there shall be inserted the following definition

““Residential establishment” has the same meaning as in the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C5 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

M³National Health Service (Scotland) Act 1947

Marginal Citations

M3 1947 c. 27.

11 (1) In section 15(1), after paragraph (f) there shall be inserted the following paragraph—

“(g) the provision of any of the services which a local authority are required to provide under the Social Work (Scotland) Act 1968 ;”

(2) In subsection (4), after the words “education authorities” there shall be inserted the words “or any of the social work services which local authorities” ; and after the words “education authority” there shall be inserted the words “or local authority”.

Modifications etc. (not altering text)

C6 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced

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in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

12 In section 27, at the end there shall be added the following subsection—

“(4) On the coming into operation of section 1(4) of the Social Work (Scotland) Act 1968, a local health authority shall not perform any function under this section which may be performed by a local authority by virtue of that section.”

Modifications etc. (not altering text)

C7 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

13 In section 63, after the words “foregoing section” there shall be inserted the words “or local authority within the meaning of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C8 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{M4}National Assistance Act 1948

Marginal Citations

M4 1948 c. 29.

14 In section 32(1), at the end there shall be inserted the words “, and in this subsection any reference to another local authority includes a reference to a local authority in Scotland” .

Modifications etc. (not altering text)

C9 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{F4}15

Textual Amendments

F4 Sch. 8 para. 15 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt.X.

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- 16 In section 65, at the end, there shall be added the following paragraph—
“(f) any reference however expressed to accommodation provided under Part III thereof shall be construed as a reference to accommodation provided under Part IV of the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C10 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

17 F5

Textual Amendments

F5 Sch. 8 para. 17 repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), [Sch. 6](#)

18 F6

Textual Amendments

F6 Sch. 8 para. 18 repealed by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), [ss. 72\(4\), 73\(4\)\(d\)](#), Sch. 6

19 F7

Textual Amendments

F7 Sch. 8 para. 19 repealed by [Child Care Act 1980 \(c. 5, SIF 20\)](#), [Sch. 6](#)

M⁵Nurseries and Child-Minders Regulation Act 1948

Marginal Citations

M5 1948 c. 53.

F8²⁰

Textual Amendments

F8 Sch. 8 para. 20 repealed (E.W.S.)(14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch.15](#), S.I. 1991/828, art. 3(2) and repealed (N.I.) (12.12.1996 for certain purposes and otherwise 1.4.1997) by virtue of 1995 c. 36, s. 105(4), [Sch. 4 para. 15\(28\)\(b\)](#); S.I. 1996/3201, [art. 3\(6\)\(7\)](#)

21 F9

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Textual Amendments

F9 Sch. 8 para. 21 repealed by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), [ss. 72\(4\), 73\(4\)\(d\)](#), Sch. 6

22—31 **F10**

Textual Amendments

F10 Sch. 8 paras. 22–31 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [Sch. 10 Pt. I](#)

^{M6}Maintenance Orders Act 1950

Marginal Citations

M6 1950 c. 37.

32 In section 8(1), after the words “the Children Act 1948” there shall be inserted the words “or section 81 of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C11 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

33 (1) In section 9, in subsection (1), after paragraph (a) there shall be inserted the following paragraph—

“(aa) for a contribution order under section 80 of the Social Work (Scotland) Act 1968 (enforcement of duty to make contributions by parents in respect of their children while in the care of a local authority under Part II of that Act or under a supervision requirement) ;”.

(2) In subsection (2) after the words “forty-three”, there shall be inserted the words “or said section 80”.

Modifications etc. (not altering text)

C12 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

34 In section 16(2)(b), after sub-paragraph (v) there shall be inserted the following sub-paragraph—

“(vi) a contribution order under section 80 of, or a decree or an order made under section 81 of, the Social Work (Scotland) Act 1968 ;”.

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Modifications etc. (not altering text)

C13 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

35 **F11**

Textual Amendments

F11 Sch. 8 para. 35 repealed by [Children and Young Persons Act 1969 \(c. 54, SIF 20\)](#), **ss. 72(4), 73(4)(d)**, Sch. 6

^{M7}Valuation and Rating (Scotland) Act 1956

Marginal Citations

M7 1956 c. 60.

36 **F12**

Textual Amendments

F12 Sch. 8 para. 36 repealed by [Rating \(Disabled Persons\) Act 1978 \(c. 40, SIF 103:1, 2\)](#), **Sch. 2**

^{M8}Adoption Act 1958

Marginal Citations

M8 1958 c. 5. (7 & 8 Eliz. 2.)

37 In section 4(3), paragraph (b) shall be omitted, and after paragraph (c) there shall be inserted the following paragraph—

“(d) section 17 of the Social Work (Scotland) Act 1968 (which makes corresponding provision for Scotland).”

Modifications etc. (not altering text)

C14 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

38 In section 15(4), for the words “(which provides” there shall be substituted the following words “or section 16 of the Social Work (Scotland) Act 1968 (which sections provide”.

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Modifications etc. (not altering text)

C15 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 39 In section 36(2)(a), for the words “or section ninety” to “1937” there shall be substituted the words “or section 78 of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C16 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 59A, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 40 In section 43(3), after the word “1948” there shall be inserted the words “or, as the case may be, section 15 of the Social Work (Scotland) Act 1968”, and for the words “that section” there shall be substituted the words “the said section 1 or, as the case may be, the said section 15”.

Modifications etc. (not altering text)

C17 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 41 In section 57, in the definition of “place of safety”, at the end there shall be inserted the following words “and in Scotland has the same meaning as in the Social Work (Scotland) Act 1968 ;”.

Modifications etc. (not altering text)

C18 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8–16, 32–34, 37–43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

^{M9}Matrimonial Proceedings (Children) Act 1958

Marginal Citations

M9 1958 c. 40.

- 42 In section 10, for subsection (4) there shall be substituted the following subsection—

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- “(4) On the making of an order under this section committing the care of a child to a local authority, Part II of the Social Work (Scotland) Act 1968 (which relates to the treatment of children in care of local authorities) shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section 15 of that Act, so however that—
- (a) the exercise by the local authority of their powers under or by virtue of sections 5, 20 to 22, 59 and 60 of that Act shall be subject to any directions given by the court ; and
 - (b) section 23 of that Act (which relates to arrangements for the emigration of a child under the care of a local authority) shall not apply.”

Modifications etc. (not altering text)

C19 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 43 (1) In section 11(1), for the words “for the purpose” to “section” there shall be inserted the words “, not being an officer of the local authority for the purpose, appoint an appropriate local authority”, and at the end of the subsection there shall be inserted the following subsection—

“(1A) In this section “local authority” has the same meaning as in the Social Work (Scotland) Act 1968.”

- (2) In subsection (5), for the words “designated officer” there shall be substituted the words “local authority or other person appointed”.

Modifications etc. (not altering text)

C20 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

44—47. F13

Textual Amendments

F13 Sch. 8 paras. 44-47 repealed by [Foster Children \(Scotland\) Act 1984 \(c. 56, SIF 20\)](#), s. 22, **Sch. 3**

48, 49. F14

Textual Amendments

F14 Sch. 8 paras. 48, 49 repealed by [Mental Health Act 1983 \(c. 20, SIF 85\)](#), **Sch. 6**

50. F15

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Textual Amendments

F15 Sch. 8 para. 50 repealed by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127(2), **Sch. 5**

51—59. **F16**

Textual Amendments

F16 Sch. 8 paras. 51–59 repealed by [Mental Health \(Scotland\) Act 1984 \(c. 36, SIF 85\)](#), s. 127, **Sch. 5**

^{M10}*Health Visiting and Social Work (Training) Act 1962*

Marginal Citations

M10 1962 c. 33.

60 In section 3(5), after “1948”, insert “or under any re-enactment of any of the provisions of the said Parts of the said Acts of 1947 and 1948 contained in Part II of the Social Work (Scotland) Act 1968.”

Modifications etc. (not altering text)

C21 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

61, 62. **F17**

Textual Amendments

F17 Sch. 8 paras. 61, 62 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), **Sch. 5**

63, 64. **F18**

Textual Amendments

F18 Sch. 8 paras. 63, 64 repealed by [Education \(Scotland\) Act 1969 \(c. 49\)](#), Sch. 2 Pt. II para. 8, **Sch. 3**

65—67. **F19**

Textual Amendments

F19 Sch. 8 paras. 65–67 repealed by [Education \(Scotland\) Act 1980 \(c. 44, SIF 41:2\)](#), **Sch. 5**

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M11 Children and Young Persons Act 1963

Marginal Citations

M11 1963 c. 37.

68 In section 55, the words from “section 88(5)” to “Scottish Act” shall be omitted and after “1948” there shall be inserted the words “or section 23 of the Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C22 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

69—72. **F20**

Textual Amendments

F20 Sch. 8 paras. 69—72 repealed by [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **Sch. 10 Pt. I**

M12 Registration of Births, Deaths and Marriages (Scotland) Act 1965

Marginal Citations

M12 1965 c. 49.

73 (1) In section 15, in subsections (1) and (3), for the words “children’s officer” there shall be substituted the words “director of social work”.

(2) In subsection (4), for the words “Children and Young Persons (Scotland) Act 1937” there shall be substituted the words “Social Work (Scotland) Act 1968”.

Modifications etc. (not altering text)

C23 The text of ss. 2(4), 3(9), 14(4), 27(7), 95(2), Sch. 2 Pt. II paras. 7, 18, Sch. 8 paras. 6, 7(1)(3), 8-16, 32-34, 37-43, 60, 68, 73, Sch. 9 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

74 **F21**

Textual Amendments

F21 Sch. 8 para. 74 repealed by [Child Benefit Act 1975 \(c. 61, SIF 113:1\)](#), **Sch. 5 Pt. I**

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 29(3)(j) repealed by [2005 asp 3 Sch. 5 para. 1](#)
- s. 61B inserted by [2000 asp 4 s. 36](#) (This amendment not applied to [legislation.gov.uk](#). S. 36 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 62(3)(d) inserted by [2000 asp 4 s. 38\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 38 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 64A(1)(e) and word inserted by [2000 asp 4 Sch. 5 para. 10](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 5 para. 10 repealed (1.4.2002) without ever being in force by 2001 asp 8, Sch. 4; S.S.I. 2002/162, art. 2 (with arts. 3-13))
- s. 87A inserted by [2007 asp 10 s. 66](#)